

## Ius Laboris Webinar

### **Coronavirus: Getting back to work**

**Thursday 25 June 2020**

**14:00 – 14:45 CEST**



# SPEAKERS

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## POST-LOCKDOWN ISSUES

# ISRAEL

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## THE RETURN TO WORK

- **Exit Strategy - Meticulous workplace attendance rules**
- **How many employees can physically attend the workplace?**
  - general rule
  - exempted workplaces
- **Purple Seal Certification**
- **General instructions:**
  - health questionnaire
  - temperature checks
  - social distancing
  - permanent equipment, or disinfection after every use
  - hygiene rules
  - use of elevators
  - work in shifts – permanent schedules
- **Face masks – rule and exceptions**



# GREECE

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## POST-LOCKDOWN ISSUES

- Gradual reopening of businesses with necessary healthcare protection measures in place (special rules apply to specific sectors/entities)
- Taxation measures for companies suffering COVID-19 effects:
  - state-aid programmes
  - deduction of tax payments due or postponement of tax payments
  - extension of deadlines
- Facilitating payment of social security contributions
- Suspension of employment contracts and prohibition of termination of employment contracts
- The so-called 'SYN-ERGASIA' programme. Striving to reduce the impact of COVID-19 on employment following the release of lockdown, the Greek government has set-up a short-term financial support programme for businesses, covering, in principle, the period from 15 June to 15 October 2020.
- Sanctions for breach of COVID-19 rules

# CYPRUS

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## POST-LOCKDOWN ISSUES

- **9 June:** 3<sup>rd</sup> and most important phase of the gradual lifting of restrictions: schools, airports and most businesses open, including shopping centres; employees on leave or working from home can now return to work
- Various challenges for employers, who are being urged to make good decisions on health and safety and the future of their businesses
- **Most important legal measures:**
  - **Scheme no 4 of support** (13 Jun - 12 Oct): Support for businesses under mandatory suspension of business. Also, for some businesses under partial suspension (tourist industry businesses and other specific categories)
  - **Prohibition of termination:** Up to 31 Oct for Scheme no 4. For previous schemes, the prohibition covers the period of participation in the scheme and an additional period equal to the period of participation plus 1 month.
  - **Higher sanctions for COVID-19 law violations :** Higher penalties for larger companies and penalties double if more than one offence

# TURKEY

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## POST-LOCKDOWN CHANGES

- **Temporary termination ban**
  - In order to preserve employment, terminations initiated by employers (except those for just cause) are banned until 17 July 2020
  - The government can extend the ban until 17 October 2020
  - If the ban is breached, employers can be subject to a fine of one month's minimum wage
- **Unpaid leave**
  - During the temporary ban, employers can put employees on partial or full unpaid leave without their consent
- **Government assistance**
  - The government has initiated temporary financial assistance programmes to help employees who have been terminated or put on unpaid leave



## SHORT TERM ISSUES

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## SHORT TERMS ISSUES

- **Responsibility for employee health**
- **Gradual return to work:**
  - education system
  - employers in high risk groups
  - public transport
- **Privacy issues:**
  - Protection of Privacy Authority – recommendations
  - infected individual in the workplace
  - corona tests
  - high risk employees
- **New examination of employment documents** (privacy, work from home, attendance and absences and more...)

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## SHORT TERMS ISSUES

- **Maintaining the right balance between rationalising payroll costs to ensure business continuity and freely setting employment conditions and managing business relations**

Employers must carefully assess the options as per the applicable legal framework, e.g. suspension of employment contracts, the 'SYN-ERGASIA' programme and the associated reduction of the scope of managerial prerogative

- **Amendments to employment contracts, teleworking, shift work, justified dismissals**
- **Dealing with employees in special categories (e.g. those at high risk, in vulnerable groups)**
- **Maintaining a high level of OHS standards (transmission of COVID-19 classified as a work accident?)**



# CYPRUS

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## SHORT TERMS ISSUES

- **Maintaining a safe environment for employees to return to:** several new COVID-19 health and safety laws have been issued and under these employers should:
  - implement all health protocols and instructions issued by the government and provide a safe and risk-free environment for their employees
  - maintain and frequently review a written risk assessment of the transmission and spread of the virus and apply a 'health and safety management system at work'
  - keep employees informed and provide training on health and safety policies
- **Dealing with changes to the terms of employment when employees return:** employers must be careful when dealing with changes to the terms of employment since a unilateral change to an essential term of the employment agreement will repudiate the agreement (and lead to a risk of a claim for constructive dismissal). Changes to employees' salaries without their consent must be avoided. Unauthorised deductions in wages are prohibited under Cypriot wage protection legislation. Employers violating these rules face a penalty of up to EUR 15,000 or imprisonment for up to 6 months.

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## SHORT TERM ISSUES

- Employees who have been on leave or working remotely might be hesitant to come back to work as a result of COVID-19. If employees refuse to come without a valid reason (e.g. having a chronic health condition), the employer might have the right to terminate the employment with just reason.
- Companies might need fewer employees as a result of a decrease in workload and this might increase the number of terminations.
- Employers might need to amend the working conditions of employees (e.g. salary/benefits) because of the company's financial circumstances, but this can only be done with the consent of employees.
- Companies should take all necessary measures to protect employees' health and safety. Therefore, the health and safety cost and risk of companies has increased as a result of COVID-19.



## LONGER TERM ISSUES

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## LONGER TERM ISSUES

- **Work from home for good?**
  - designated work areas; insurance coverage
  - data protection and confidentiality; IT considerations;
  - attendance reports; availability, performance, alignment of expectations
  - company policies; entitlement to benefits (e.g. travel and meal allowances)
  - can employers enforce a return to the office?
- **Corona tests? Privacy?**
- **Travel – necessity? Safety measures?**
- **Zoom meeting tool**
- **Sexual harassment; Termination – what's changed?**
- **Can't or won't?**

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## LONGER TERM ISSUES

- 'Work from home' and other teleworking schemes. Drafting of amendments to employment contracts and covering any related expenses.
- Enforcing stricter rules to ensure a high level of health & safety compliance at work.
- Adapting flexible-working schemes.
- Risk assessment and contingency planning to mitigate the risks in case there is a second wave of COVID-19.
- Sector-specific issues (e.g. hospitality and tourism).

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## LONGER TERM ISSUES

- **Mental health of employees working from home:** Protecting employees' mental health whilst working from home poses a serious challenge. Employers should:
  - consider undertaking risk assessments to identify risks to employee' mental health. Taking a proactive approach on mental health issues is imperative.
  - should discuss employees' needs with them and ask them to communicate how they feel about working from home. Communication is key.
- **Workforce reduction/redundancies:** Because of their financial situation, many employers will be forced to consider redundancies. The only redundancy ground related to a company's financial situation is the 'reduction of business volume' ground. Employers must be very careful when dismissing employees under this ground as, according to case law, redundancies for this reason may occur only if business volume has significantly reduced in the years before the redundancies. A temporary reduction in business volume is not sufficient.



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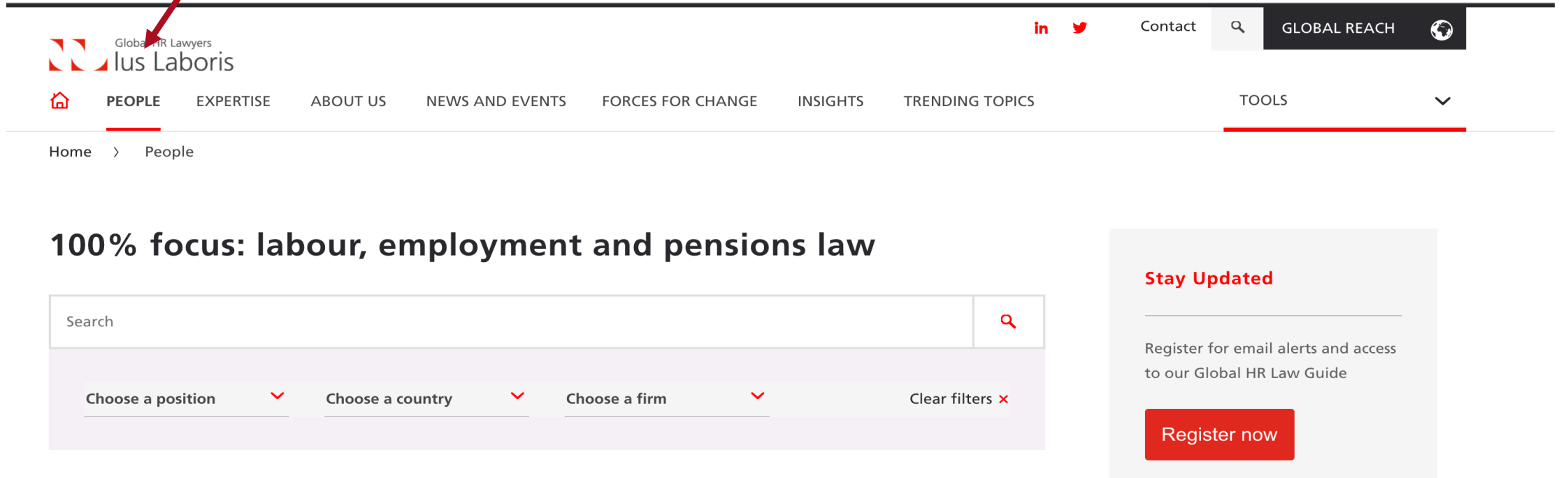
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## LONGER TERM ISSUES

- If employees have contracted COVID-19 during their employment, they can make a claim for compensation against the employer that this constitutes a workplace accident.
- The terminations and other actions taken by employers during these times will most likely result in increased litigation in the long term.

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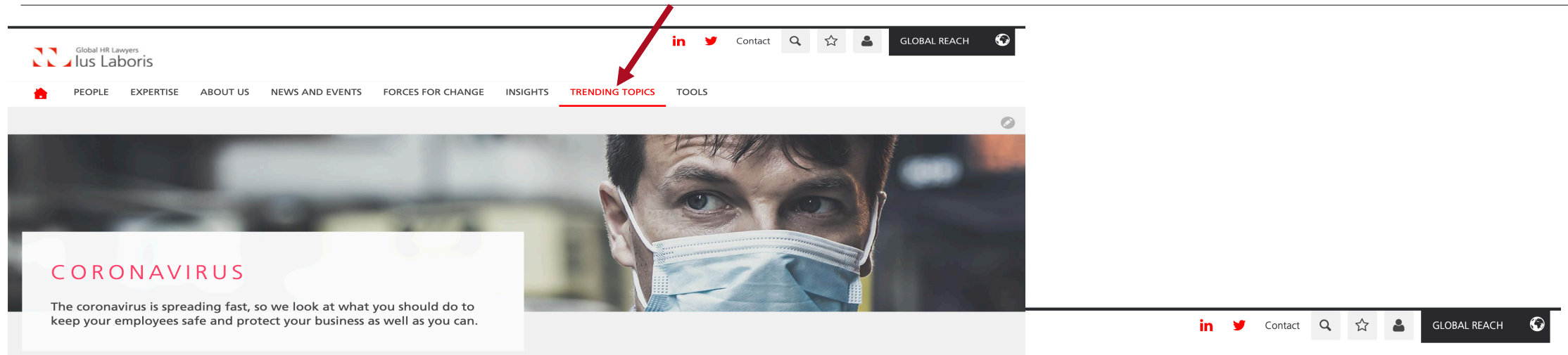
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The screenshot displays the Ius Laboris website interface. At the top, the navigation bar includes the Ius Laboris logo (a red stylized 'IL' icon) and the text 'Global HR Lawyers Ius Laboris'. To the right of the logo are social media icons for LinkedIn and Twitter, a 'Contact' link, a search icon, and a 'GLOBAL REACH' button with a globe icon. Below the navigation bar is a horizontal menu with the following items: 'PEOPLE' (highlighted with a red underline), 'EXPERTISE', 'ABOUT US', 'NEWS AND EVENTS', 'FORCES FOR CHANGE', 'INSIGHTS', 'TRENDING TOPICS', 'TOOLS', and a dropdown arrow. Below the menu, a breadcrumb trail shows 'Home > People'. The main content area features the heading '100% focus: labour, employment and pensions law'. Below this is a search bar with the placeholder text 'Search' and a red search icon. Under the search bar is a filter section with three dropdown menus: 'Choose a position' (with a red dropdown arrow), 'Choose a country' (with a red dropdown arrow), and 'Choose a firm' (with a red dropdown arrow). To the right of these filters is a 'Clear filters' link with a red 'x' icon. On the right side of the page, there is a 'Stay Updated' section with a red heading. Below the heading is a text box that says 'Register for email alerts and access to our Global HR Law Guide'. At the bottom of this section is a red button labeled 'Register now'.

Questions and comments also welcome: [anni.laakso@iuslaboris.com](mailto:anni.laakso@iuslaboris.com)

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